

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-705

Appellant(s): Kevin Masterson
representing Steven Greenberg

vz. Appellee(s): City of Framingham
Mark Hughes

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 6th Edition 780 CMR 609.2, 1006.4.1, 1017.4.1, 1014.4, 1011.3 #2, 1021.2, 1025.3.2 for 622-624 Hollis Street Framingham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on February 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

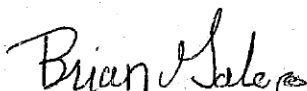
The Appellant appeared and testified for the hearing. Mark Hughes and others appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to dismiss the Appellant's request for a variance from 7th Edition 780 CMR, 609.2, 1006.4.1, 1017.4.1, 1014.4, 1011.3 #2, 1021.2, 1025.3.2, based on the fact that there is no work going on in the building with respect to the issues discussed during the testimony and that the existing condition was not cited as hazardous by the building official. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 6th Edition 780 CMR 609.2, 1006.4.1, 1017.4.1, 1014.4, 1011.3 #2, 1021.2, 1025.3.2 is hereby dismissed as described in the discussion above and so ordered² on this date: February 24, 2009.



Brian Gale



William Middlemiss



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.